

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, S.D.N.Y.

July 23, 2007

* JUL 27 2007 *

Dear Judge Garaufis:

BROOKLYN OFFICE

I am writing to Your Honor since I have nowhere else to turn. More than five years after Your Honor has sentenced me, the B.O.P. is still refusing to delete items from my P.S.R. which Your Honor ordered deleted in your "Statement of Reason on page 7 of my Judgement and Conviction".

Ms. Fiorillo, the Probation Officer who prepared my P.S.R., has written two letters to the B.O.P. requesting the same. Enclosed please find her letters dated December 13, 2005 and June 12, 2007 which clearly explain my problem. Enclosed also is the B.O.P.'s response (administrative remedy informal resolution form 3 pages dated 7/9/07), again denying Ms. Fiorillo's direction to delete.

What is more troubling, and has caused both my entire family much heartache is the reference in paragraph 52 of my P.S.R. to the following: "Between 1999 and 2001 17 associates of this crew as well as soldiers Benanti and DeKracisci and Consigliere (Spero) were convicted for 15 murders, attempted murders, murder conspiracies, cocaine, crack, marijuana and robberies ..." Though I was never involved in any of this conduct, and this statement should not have appeared in my P.S.R., since it did, both my family and I have been punished severely.

As you can clearly see from the attached Security/Designation form prepared by the B.O.P., the B.O.P. has adopted the aforementioned statement which has nothing to do with me and it appears to anyone that reads my designation form that I was in fact responsible for the 15 murders, robberies, etc.

The heartache and extreme hardship this has caused both my family and me is that based on this erroneous statement the B.O.P. has denied Your Honor's sentencing recommendation that I be sentenced close to home so that my family could visit.

The B.O.P. took the aforementioned statement from my P.S.R., placed it in my Security/Designation form and for the last five years have continuously denied my request to be transferred close to my family. The B.O.P. based the denials on the "Sphere of influence" in my designation form based solely on the misleading statement of crimes I'm not responsible for.

Since my sentencing in 2003 and because of this erroneous "sphere of influence," I have been shipped around the country and it has been extremely difficult for my family to visit. The following is a list of the institutions the B.O.P. has sent me based on the erroneous "sphere of influence."

- (1) Baumont, Texas for one year;
- (2) Oklahoma for 1½ months, where I was informed I was being transferred to Fort Dix as requested, only to be later told that because of the "sphere of influence", that request was denied;
- (3) Forest City, Arkansas for one year;
- (4) Atlanta, Oklahoma, Miami, Atlanta again, Oklahoma and Arkansas again. I was one year in transit at all these facilities. All my doctor's appointments were cancelled since by the time the appointments came, I was transferred.
- (5) Loretto from October 13, 2006 to the present.

My medical condition is verified in my P.S.R. paragraphs 160 through 168. Based upon the above and after discussing the same with Mr. Broadmerkel, he told me if Your Honor would send him a letter requesting that I be designated close to my family as you originally recommended in my Judgement and Commitment, he would prepare a request for transfer to be forwarded to Texas, requesting that I be transferred to Fort Dix so that my family could visit regularly.

Your assistance in this matter would be greatly appreciated.

Very Truly Yours,

Anthony Graziano

Anthony Graziano
USM #:48743-080
FCI Loretto
P.O. BOX 1000
Loretto, PA 15940

cc: Cheryl M. Fiorillo
Senior United States Probation Officer



UNITED STATES PROBATION
Eastern District of New York

Tony Garoppolo
Chief U.S. Probation Officer

Andrew S. Bobbe
Eileen Kelly
Sr. Deputy Chief U.S. Probation Officers

Michael J. Glatthaar
Deborah A. Donovan
Deputy Chief U.S. Probation Officers

Reply to:

75 Clinton Street, Room 405
Brooklyn, NY 11201-4201
Tel. No. (347) 534-3400
Fax No. (347) 534-3509

Branch Offices:

111 Livingston Street
Brooklyn, NY 11201-4201
Tel. No. (347) 534-3680
Fax No. (347) 534-3680

202 Federal Plaza
P.O. Box 9012
Central Islip, NY 11722-9012
Tel. No. (631) 712-6300
Fax No. (631) 712-6395

June 12, 2007

Mr. Anthony Graziano - Reg. # 48743-053
FCI Loretto
Federal Correctional Institution
P.O. Box 1000
Loretto, PA 15940

Re: United States v. Anthony Graziano (02-CR-307(S-2) & (S-7))

Dear Mr. Graziano:

Thank you for your recent correspondence regarding your presentence report. As verified by the statement of reasons on page 7 of the Judgment and Conviction, Judge Garaufis ordered that any reference to you as "consigliere" and "in the leadership of the enterprise" should be deleted from your presentence report. Amendments to the PSR ordered by the sentencing judge are attached to the front of the PSR and forwarded to the BOP. The BOP must abide by the judge's order. A copy of your PSR with page 7 of the Judgment & Conviction listing the judge's changes was faxed to Rick Stover of the BOP in Beaumont, Texas, by my office on February 18, 2004. In addition, in a letter dated December 13, 2005, I advised Warden Linda Sanders of FCC Forest City of the changes ordered to your PSR. I provided Warden Sanders with a copy of the J&C. I am very sorry to hear that the judge's order did not follow your transfer to FCI Loretto. I will call your case manager to discuss the issue, and send him an amendment sheet and page 7 of the J&C, which should be attached to the front of the PSR. I will also try to obtain a copy of the minutes to the November 13, 2003, sentencing hearing to send to your case manager. I sincerely apologize to you for the difficulties any miscommunication between the Probation Office and the BOP have caused you. Thank you for bringing this situation to my attention.

Very truly yours,

Cheryl M. Fiorillo

Senior U.S. Probation Officer

cc: Jeffrey Hoffman, Esq.

Defense Counsel

Greg D. Andres, Esq.
Assistant U.S. Attorney

ATTN : B. BURGET, CMC

ATTACHMENT THREE
LOR 1330.13B
May 7, 1997

ADMINISTRATIVE REMEDY INFORMAL RESOLUTION FORM

Before an inmate may receive and file a Request for Administrative Remedy Form [BP-229(13)], he MUST attempt to informally resolve his complaint with his Unit's Correctional Counselor. Briefly state the inmate's complaint below and the informal resolution offered.

Date Form Issued by Unit Staff: 7/9/07 Staff Initials: DH

Inmate Name: GRAZIANO, ANTHONY Reg. No.: 48743-080 Unit: DORM Team: E

- 1. Complaint and Relief Requested:** SEE ATTACHMENT

2. Staff Response (Include effort to resolve): Line 6 staff have no authority to destroy documents concerning your P&T
You need to provide an amendment to documentation listing you between your P&T in in current
your unit team needs to receive a request for you to review your current file

Review Prior to Issuance of BP-9: 13.13 Date: 7.16.07
Department Head

Unit Manager Date: _____

Unit Manager

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Date response was explained: 7/17/07 Correctional Counselor's Initials: DK

Response was accepted/rejected. (Circle one) Inmate Initials: BG, Date: 7-12-07

Date BP-229(13) Issued: 7/17/07 Staff Initials: OT Inmate Initials: AG

DISTRIBUTION: If complaint is informally resolved - Forward to Executive Assistant. If the complaint is NOT informally resolved - Forward to Executive Assistant along with the completed BP-229(13) Form.

ATTACHMENT

In my presentence report (PSR), there are erroneous references to my affiliation with organized crime. Pursuant to page 7 of my criminal judgment, "any reference the defendant was 'consigliere' and 'in the leadership of the enterprise' should be deleted" from the PSR. Additionally, there are references in my PSR to racketeering acts of an acquaintance. However, these acts have nothing to do with me. But the Bureau of Prisons has wrongly conjoined these acts to my central file as if I were the culpable party. This has prejudiced me immensely.

As an example: In my initial security designation, I was designated to an institution far from my region to keep me away from my alleged "sphere of influence" because of the racketeering acts that the B.O.P. is illicitly holding me responsible for. This resulted in a serious hardship for my family and I.

Another example: I am being denied adequate medical care because, on the authority of a certain individual in a decisionmaking role, "According to your central file, you are not a very nice fellow."

I have been contesting this issue for quite some time (See Addendum, dated: December 13, 2005). I brought it to the attention of my case manager, C. Brodmerckel. He advised that he spoke to you regarding this issue. He informed me that you replied, "It's too old. Just leave it in there." The problem I have with this is, I do not know how many documents in my central file contain references to this incorrect information. And I cannot foretell when, why, and how this information may be used against me in the future by the B.O.P.

Therefore, I request to review my central file in its entirety so that I can identify all the documents containing references to this incorrect information. I then request these documents to be rewritten (if necessary) with the incorrect information omitted and the originals destroyed in my presence.

Thank you for your prompt reply.



UNITED STATES PROBATION
Eastern District of New York

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Tel. No. (631) 712-6300
Fax No. (631) 712-6395

CD
December 13, 2005

Linda Sanders, Warden
FCC Forrest City-Medium
P.O. Box 7000
Forrest City, AR 72336

Re: Graziano, Anthony A. / Reg. # 48743-080

Dear Warden Sanders:

Thank you for your letter dated November 29, 2005. I am enclosing a copy of the Judgment in reference to the above-noted inmate, as well as his plea agreement. According to page 7 of the Judgment, "any reference the defendant was 'consigliere' and 'in the leadership of the enterprise' should be deleted" from the presentence report. I hope this information answers your question regarding "section 52, page 17."

In addition, paragraphs 1 through 3 of the presentence report delineate the specific charges the defendant was convicted of. Information in the presentence report regarding other racketeering acts and other counts to which the defendant was not convicted refer to co-defendant criminal conduct. If you have additional questions, please call me at (347) 534-3746.

Sincerely,

Cheryl M. Florillo
Senior U.S. Probation Officer

PAGE 001

SECURITY/DESIGNATION

DATA

* 03-28-2007

* 12:30:03

ORG: BOP

REGNQ: 48743-080 NAME: GRAZIANO, ANTHONY A
RC/SEX/AGE: W/M/66 FORM D/T: 01-28-2004/0745 RES: STATEN ISLAND, NY 10312
OFPN/CHG...: CTC RKTRNG, AT EVADE TAX-108MOS/*CC*W/SDFL=CT ENGAGE IN RKTR
INFLUENCE CORRPT ORG(RICO)-135MO/DKT:CR02307&02CR60049-001
CUSTODY...: IN BIL: CR HX PT: 6 CAR: CARE3
CITIZENSHP: UNITED STATES OF AMERICA PUB SAFETY: GRT SVRTY
CIM CONSID: SEPARATION USM: ENY
JUDGE.....: N. GARAUFIS REC FACL: OTV/FAI/MED REC PROG: NONE
DETAINER..: NONE SEVERITY: GREATEST MOS REL.: 114
PRIOR.....: SERIOUS ESCAPES.: NONE VIOLENCE: > 10 YRS MINOR
PRECOMMT..: N/A V/S DATE: V/S LOC.:
OMDT REF..: NO SEC TOTL: 11 SCORED LEV: MEDIUM
CCM RMKS..: US CTZ;IR:'91/203;NICKNM=T.G.;INST:OC, SUBJ=HIGH-RANKING CAPT,
MURDER CONSPRCY, LNSHRK, CTD COC/CRK&MRJ, ROBBRY, ROBBRY CNSPRCY,
GMBLNG, OBSTRCT JSTC, 15MURDERS; PR:BRGLRY(UNK), AT CRM USURY(\$),
FLS STMNTS, CTC RKTRNG;OTH:RBBRY;MED/PSY:OMDT. HEB
DESIG: BEAUMONT FCI-MED NER ELT 01-26-2004 RSN: LEVEL MSL:
MGTV/MVED.:
DESIG RMKS: JUD REC NOT FOLLOWED; LETTER SNT TO THE COURT; INMATE DESIGNATED
OUTSIDE NER AWAY FROM SPHERE OF INFLUENCE.

G0002

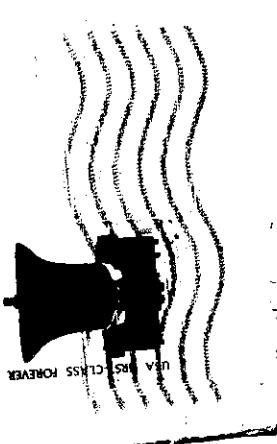
MORE PAGES TO FOLLOW . . .

EXHIBIT TWO

ANTHONY GRAZIANO #48743-080
CORRECTIONAL INSTITUTION
FEDERAL BOX 1000
O'BOX 15940
MORRITTO, PA.

Honorable Nicholas Garaufis District of NY
Honorable Judge Eastern District of NY
U.S. District Judge East
225 Cadman Plaza East
Brooklyn, NY 11201

MORNINGTON PA 159
24 JUL 2007 PM 11 L



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